

SEP 18 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

No. CR 13-00552 JST

STIPULATION AND ~~[PROPOSED]~~

vs.

Hearing Date: September 20, 2013

Time: 9:30 a.m.

On August 15, 2013, the Grand Jury charged defendant in one count with illegal reentry after deportation, a violation of 8 U.S.C. § 1326. He faces a maximum sentence of 20 years for this offense. On August 16, 2013, Mr. Rodriguez was arraigned on the Indictment. A week

1 later, the magistrate court ordered Mr. Rodriguez detained pending trial.

2 The parties are discussing plea negotiations and anticipate that this case may resolve short
3 of trial. The government has made a "fast track" plea offer but before Mr. Rodriguez can decide
4 whether to accept that offer he needs additional time to research and to investigate possible
5 motions. In addition, counsel needs additional time to research and to investigate Mr.
6 Rodriguez's Guidelines calculation. For these reasons, the defense requests additional time to
7 prepare, and the parties agree that it is appropriate to continue this case until October 18, 2013.

8 The parties stipulate and agree that the ends of justice served by this continuance
9 outweigh the best interest of the public and the defendant in a speedy trial. The parties further
10 agree that the failure to grant this continuance would unreasonably deny counsel for defendant
11 the reasonable time necessary for effective preparation, taking into account the exercise of due
12 diligence.

13 Accordingly, the parties agree that the period of time from September 20, 2013 until
14 October 18, 2013, should be excluded in accordance with the provisions of the Speedy Trial Act,
15 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), for effective preparation of defense counsel, taking into
16 account the exercise of due diligence.

17
18 DATED: September 17, 2013

19 /S/
KEVIN LIN
Special Assistant United States Attorney

20
21 DATED: September 17, 2013

22 /S/
ANGELA M. HANSEN
Assistant Federal Public Defender

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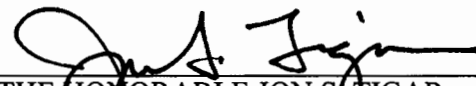
ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby finds:

1. Given that defense counsel needs additional time to research and to assess a possible motions in this case;
2. Given that the defense needs additional time to research and to investigate defendant's Guidelines calculation;
3. Given these above-listed tasks are necessary for the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;
4. Given that the ends of justice served by this continuance outweigh the best interest of the public and defendant in a speedy trial;

Based on these findings, it is hereby ordered that the status hearing date of September 20, 2013, scheduled at 9:30 a.m., is vacated and reset for October 18, 2013, at 9:30 a.m., for a status hearing. It is further ordered that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), from September 20, 2013 until October 18, 2013.

DATED: 9/18/13


THE HONORABLE JON S. TIGAR
United States District Judge